

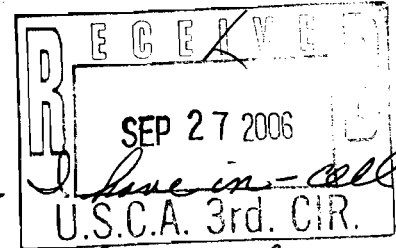
Sept 25, 06

TO: Office of the Clerk

RE: 06-127-KAJ - Dismissal of petition for a writ of habeas corpus by Delaware District Court Judge Kent A Tordon...

06-2358/06-3338

Dear Sir or Madame:

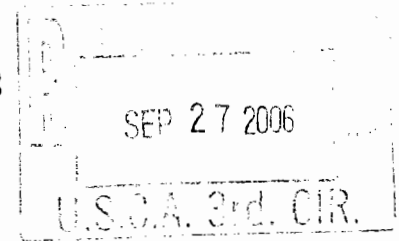


My above petition has been dismissed. I have in-cell law library access and wrote the library asking for a form so I may appeal Judge Tordon's decision to the 3rd Circuit Court of Appeals for consideration. This prison's law library sent me the enclosed form w/ no explanation or instructions. My question to the Clerk of 3rd Circuit is: Is this enclosed application appropriate and acceptable? If it is, please return... if it is not appropriate and acceptable, please forward a correct application. I am pro se... I consider this letter a request to the 3rd Circuit as to operative procedures, not a legal request. - Thank you for your time and attention.

Charles F. Cardone  
SBI<sup>#</sup> 098159-DCC  
Bldg (21) AL5  
1181 B Paddock Road  
Smyma, DE 19977

- On this date, I have handed this letter to a DCC guard to place in our U.S. Mail system...

UNITED STATES COURT OF APPEALS  
FOR THE \_\_\_\_\_ CIRCUIT



Case No. \_\_\_\_\_

Plaintiff - Appellee,

v.

Application for Certificate of  
Appealability

Defendant - Appellant.

**NOTICE AND INSTRUCTIONS**

Your application for a certificate of appealability will be evaluated by the court using these standards:

**Certificate of Appealability.** There must be a substantial showing of the denial of a constitutional right by demonstrating that the issues raised are debatable among jurists, that a court could resolve the issues differently, or that the questions deserve further proceedings. 28 U.S.C. § 2253(c); Lennox v. Evans, 87 F.3d 431 (10th Cir. 1996).

**FAILURE TO SET FORTH FACTS AND ARGUMENTS SHOWING THAT YOU MEET THE APPROPRIATE STANDARD WILL SUBJECT YOUR APPEAL TO DISMISSAL WITHOUT FURTHER NOTICE.**

You may use this form to furnish a statement of the case, the issues you intend to raise on appeal, and the reasons your appeal meets the applicable standards. The form is intended to guide you in meeting the above standards. If you need more space to answer, additional pages may be attached. The information you furnish, together with the full record of the proceedings in the district court, will be the basis for this court's decision. You should bear in mind that an appeal is not a retrial, but rather a **review** of the district court's judgment and record of proceedings.

### **APPLICATION**

**1. Statement of the Case.** (This should be a brief summary of the proceedings in the district court.)

**2. Issues to be Raised on Appeal.** (New issues raised for the first time on appeal generally will not be considered.)

**3. Summary of Your Argument Showing that Your Appeal Meets the Standards Stated on Page 1.**

**8. What action do you want this court to take in your case?**

**9. Were you required to seek and exhaust administrative remedies prior to filing your claim in district court? If yes, what steps did you take to exhaust those remedies?**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## CERTIFICATE OF SERVICE

I hereby certify that on \_\_\_\_\_ I mailed a copy of  
(date)  
the Certificate of Appealability:

to \_\_\_\_\_, at \_\_\_\_\_

\_\_\_\_\_, the last known address,  
by way of United States mail or courier.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

IM Charles F. Cardone  
SBI# 098159 UNIT Bldg. (21) A25  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

Legal Mail

\* Office of U.S. S. X-RAY

U. S. Court of Appeals  
21400 U.S. Court House  
601 Market Street  
Phila. Pa

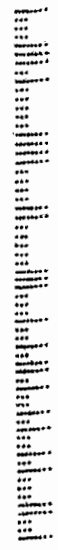
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U.S.C.A. 3rd. CIR.



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